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Filing date: **03/10/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91163291
Party	Defendant Sensys Medical Sensys Medical 7470 West Chandler Blvd. Chandler, AZ 85226
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Submission	Answer
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Date	03/10/2005
Attachments	IMET0082TM Answer 3-10-05.pdf (4 pages)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

Opposition No.: 91163291
Serial No.: 78148562

Ropintassco Holdings, L.P.
Plaintiff (Opposer)

V.

Sensys Medical
Defendant (Applicant)

Assistant Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER TO NOTICE OF OPPOSITION

Pursuant to Trademark Rule 2.106, Sensys Medical (hereinafter "Applicant") by its attorney, Michael A. Glenn, saving and reserving unto itself, all benefit, advantage, or exception which can or may be had or taken into errors, insufficiencies, uncertainties and imperfections in the notice of opposition, answers as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of and therefore denies the averments in the notice of opposition contained in paragraphs 1, 2, 3, 4, 5, and 6.
2. Applicant denies the averments in paragraphs 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 18 (second occurrence) and leaves Opposer to its proofs.
3. The Applicant admits the averments in paragraph 7 as to the filing of its application.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

4. Applicant's goods "optical measurement equipment, namely electronic equipment for noninvasive determination of analyte concentration; software for the determination of analyte concentration optically and noninvasively in detected near-infrared radiation for use in connection with medical equipment and apparatus" (class 9) and "medical diagnostic and monitoring apparatus; namely, apparatus for the non-invasive determination of analyte concentration by use of near-infrared radiation" (class 10) are totally unrelated to Opposer's "digital camera systems, namely, video resolution cooled charge-coupled device (CCD) cameras" so as to avoid any likelihood of consumer confusion.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

5. Applicant's goods, in part, are directed to a different class of purchaser than Opposer's goods and, in all cases, travel through distinct trade channels such that there would be no likelihood of confusion as to the source of the respective parties' goods.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

6. Opposer's mark conveys a different meaning and commercial impression than Applicant's mark as would be recognized by prospective consumers such that there would be no likelihood of confusion as to the source or sponsorship of the goods of the respective parties.


AS AND FOR A FORTH AFFIRMATIVE DEFENSE

7. Opposer's mark conveys a different meaning and commercial impression than Applicant's mark as would be recognized by prospective consumers such that Applicant's mark would not dilute any distinctive quality, if any, of Opposer's mark.

Having made full answer to the notice of opposition or such parts or portions thereof as believed material to make answer, applicant respectfully requests that this opposition proceeding be dismissed, with prejudice, and that its registration issue forthwith.

Please contact the undersigned with any questions.

Respectfully submitted,




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CERTIFICATE OF SERVICE

This will certify that on the 10th day of March 2005, a true and correct copy of the ANSWER TO NOTICE OF OPPOSITION was mailed, first class, postage prepaid to attorneys for Opposer as follows:

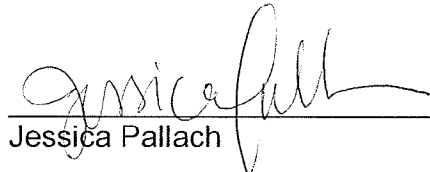
Terence J. McAllister
Ohlandt, Greeley, Ruggiero & Perle, LLP
One Landmark Square, 10th Floor
Stamford, CT 06901-2682



Jessica Pallach

CERTIFICATE OF SUBMISSION

I hereby certify that the foregoing ANSWER TO NOTICE OF OPPOSITION was filed online via TEAS this 10th day of March 2005.



Jessica Pallach